IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3118 OF 2004

Visen Industries Ltd. .. Plaintiffs

versus

Chaitali A. Banker .. Defendants

...

Mr.V.K. Brahmbhatt for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 16th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendant.

2. The plaintiff has filed on record the affidavit of service proving service of writ of summons on the defendant. Despite service, the defendant has not filed an appearance, entitling the plaintiff to a decree under Order 37 Rule 2(3) of the Code of Civil Procedure.

3. The plaintiff has also filed on record

documents along with a list. The documents are colly. marked Exhibit-A. I have perused the plaint and the documents filed on record. As per the defendants order, the plaintiff supplied the goods to the defendant and sent invoices. The defendant received the goods and the defendant also issued "C" forms enabling the plaintiff to claim concessional sales tax. On the back side of the "C" form, the defendant has given the details of the bills and has signed the same. The defendant failed and neglected to make the payment. Hence, the plaintiff has field this suit for recovery of the price of the goods supplied. Considering the uncontroverted averments made in the plaint and the documents filed on record, the suit of the plaintiff is decreed as follows:-

4. The defendant shall pay to the plaintiff a sum of Rs.5,18,670/- together with interest on the principal sum of Rs.4,16,016/- at 9% p.a. from the date of the suit till payment and all costs of the suit.

5. Issue Court fee refund certificate as per rules.

D.G. KARNIK, J